

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TIMOTHY CAREY, MARTHA CHAMBERS, SCOTT LUBER, MICHAEL REECE,

Plaintiffs,

v.

WISCONSIN ELECTIONS COMMISSION, MEAGAN WOLFE, in her official capacity as Administrator of WEC

Defendants.

No. 3:22-cv-00402

Judge Peterson

**[PROPOSED] ORDER GRANTING PRELIMINARY
INJUNCTION AND EMERGENCY DECLARATORY RELIEF**

IT IS DECLARED that:

1. Wis. Stat. § 6.87(4)(b)1., as applied to voters with disabilities who need assistance with voting, conflicts with federal law and is preempted by Section 208 of the Voting Rights Act.
 - a. Defendants are therefore ENJOINED from enforcing this provision against Plaintiffs, qualified Wisconsin voters with disabilities who require third-party return of their absentee ballots through the mail or in person to their respective municipal clerk (“ballot-return assistance.”).
 - b. Defendants are therefore DIRECTED to, within one week of the date of this Order, instruct municipal clerks that federal law requires Wisconsin voters to be permitted to receive assistance from a person of their choice, other than the voter’s employer or agent of that employer or officer or agent of the voter’s union, with the return of their absentee ballots, either by mail or in-person to the municipal clerk. The instruction to municipal clerks shall specify that such assistance includes ballot-return assistance.

2. Plaintiffs are qualified Wisconsin voters with disabilities. Thus, to comply with the Voting Rights Act, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the First and Fourteenth Amendments to the United States Constitution, Plaintiffs are permitted, for the November 2022 general election, to use ballot-return assistance to return their completed absentee ballots.
3. Ballot-return assistance is a reasonable accommodation under the ADA that does not fundamentally alter the nature of the absentee balloting program.
4. As to Plaintiffs Carey and Reece, a ban on ballot-return assistance violates the First and Fourteenth Amendment to the U.S. Constitution.

Entered this ___ day of _____, 2022.

BY THE COURT:

JAMES D. PETERSON
Chief United States District Judge

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Dated: August 23, 2022.

Respectfully submitted,

/s/ Scott B. Thompson _____

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